

CITY COUNCIL
COMMUNITY PLANNING AND TRANSPORTATION
COMMITTEE MINUTES

May 13, 2013

The City Council Community Planning and Transportation Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:32 p.m. in the Multi-Purpose Room on the 13th day of May, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Gallagher, Jungman, and Williams
Chairman Griffith

ABSENT: None

OTHERS PRESENT: Mayor Cindy Rosenthal
Councilmember Robert Castleberry
Councilmember Linda Lockett
Councilmember Elect Greg Heiple
Councilmember Elect Lynne Miller
Councilmember Elect Stephen Tyler Holman

STAFF PRESENT: Ms. Susan Atkinson, Planner I
Mr. Jeff Bryant, City Attorney
Ms. Susan Connors, Planning and Community
Development Director
Mr. Terry Floyd, Development Coordinator
Mr. Steve Lewis, City Manager
Ms. Leah Messner, Assistant City Attorney
Ms. Karla Chapman, Administrative Technician

Item 1, being:

CART RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE.

Ms. Karleene Smith, OU Parking and Transportation Administrator, said Dump the Pump 2013 is under way with a Norman elementary school art contest, and free fares and free t-shirts are planned for Thursday, June 20, 2013. She said beginning May 28, 2013, Norman city routes will move to the new Brooks Street Transfer Station and Campus routes will utilize the Campus Depot beginning with the fall semester.

Items submitted for the record

1. Cleveland Area Rapid Transit Ridership Totals for the Month of April 2013
2. Cleveland Area Rapid Transit Update dated April 2013

Item 2, being:

CONTINUED DISCUSSION REGARDING A DRAFT ORDINANCE ESTABLISHING HIGH-DENSITY RESIDENTIAL ZONING DISTRICTS.

Chairman Griffith said the Community Planning and Transportation Committee (CPTC) will forego public input tonight so that the Committee could do more intense work on this topic. He said the public will have the opportunity to give input at a High Density Public meeting scheduled on May 30, 2013, and again at a Joint City Council and Planning Commission study session scheduled for June 6, 2013.

Mayor Rosenthal felt Permitted Uses requirements should clearly state that commercial/retail uses be included on the ground floor for HDR-2 and/or HDR-3 projects and Councilmember Gallagher agreed, stating one aspect of high density is to add retail. He said height will change for retail in HDR-2 and HDR-3, but Councilmember Jungman felt

Item 2, continued:

it should not. Councilmember Jungman asked Staff why a parking garage is permitted in HDR-2 and Ms. Susan Connors, Planning and Community Development Director, said parking garages needed to be identified as a *permitted use* within HDR-2. The Committee discussed and consensus agreed the following changes should be added to the proposed high density ordinance to include:

- Section 2, HDR-2: Add verbiage “It is strongly encouraged that commercial/retail uses be included on ground floor when a HDR-2 project is located in a commercial/retail area.”
- Section 2, HDR-3: Add verbiage “It is required that commercial/retails uses be included on the ground floor of the HDR-3 projects.”

Mayor Rosenthal suggested adding the number of allowed stories to the already proposed feet/foot limit, stating it would clarify the building height regulations for HDR projects. She suggested the following: HDR-1: three (3) stories; HDR-2: four (4) stories; and HDR-3: unlimited.

Councilmember Jungman said HDR-1 should only allow 40 feet maximum, not 45 feet maximum, stating the CPTC agreed on 37 feet at the April CPTC meeting. He said the point of HDR-1 is that it was requested by the citizens who attended the High Density Dialogues and they requested a 40 foot limit. Councilmember Jungman said now HDR-1 has been completely changed to allow 45 feet maximum height and also allow add-ons making the maximum height to be 50 to 55 feet high. Chairman Griffith said that the proposed 45 feet for HDR-1 is the *maximum* allowed and said he did not feel that a HDR-1 project having three stories of residential with retail on the bottom floor is extreme. Mayor Rosenthal said she wanted to point out that C-1 states a provision that projects shall not exceed two and one half stories and/or 35 feet in height and felt the three (3) story limit came from the High Density Dialogues; therefore, she could support changing the 45 foot maximum to 40 foot maximum in HDR-1.

Councilmember Williams liked the proposed Ordinance as is and felt three (3) stories did not need to be added. Councilmember Gallagher said he is not comfortable with exceptions; however, HDR-3 should not be constructed just anywhere in Norman, so there is a good argument for limiting height. Councilmembers Williams and Lockett felt a height limit specifically for the Campus Corner area is not the right thing to do and Mayor Rosenthal said adequate protection is needed for all neighborhoods, not just Campus Corner. She said HDR-3 projects might make sense in the University North Park and Downtown areas. Chairman Griffith asked Staff if parking garages are generally eight (8) feet in height and Staff said yes. He asked if a two (2) level parking garage be placed on top of a six (6) story stick construction (for HDR-3) and Staff said yes. The Committee consensus was to request Staff add the verbiage to the Ordinance as follows:

- Section 3(b)(4) HDR-1: Add verbiage “No building shall exceed three (3) stories or 45 feet in height.”
- Section 3(b)(4) HDR-2: Add verbiage “No building shall exceed four (4) stories or 55 feet in height.”
- Section 3(b)(4) HDR-3: Add verbiage “There is no height or story limitation.”

Councilmember Jungman requested the Ordinance clarify that only HDR-1 could be constructed in the Campus Corner area and said that height is exactly what the public asked for during the High Density Dialogue discussions. Chairman Griffith said he is very uncomfortable with restricting a certain area of Norman to a particular high density zone. He felt the development process and High Density Design Review Committee would take care of concerns regarding Campus Corner area issues, stating the general consensus coming out of the High Density Dialogues was to allow no more than three (3) stories in the Campus Corner area. Councilmember Jungman said the overwhelming majority of his constituents plus the general consensus of the high density dialogues was that three a (3) story limit is right for the Campus Corner area. He said every opinion in town was represented at the high density dialogues and he felt the request can be given. He asked if anyone is bothered by having an exception on a very small piece of land within the city, out of 200 square miles, where only HDR-1 could be built and Councilmember Castleberry said he is bothered by exceptions.

Mayor Rosenthal suggested eliminating Section 3(b)(5), Allowable Height Exceptions, from the proposed ordinance and Councilmember Jungman agreed. Councilmember Castleberry asked if removing the exception would mean that all roofs in HDR projects are to be flat and Mayor Rosenthal said no, a flat or non-flat roof would be designed/decided by the developer, not the Ordinance. Mayor Rosenthal felt the Ordinance needed to set one height standard and measure

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it one way across the code. She felt the proposed height requirement would be difficult for Staff to enforce and Councilmember Williams felt the enforcement would be the developer going through the regular planning/engineering process. Councilmember Castleberry asked whether 10 feet would be appropriate for a parking garage for a HDR-2 project having four (4) stories or 55 foot height limit with the three top stories being 15 feet each and Staff said yes, stating eight and one half feet (8.5 feet) for parking garages is referenced in the Ordinance. Ms. Connors said the McKown's high density project in Oklahoma City is less than 55 feet in height and has four (4) stories which includes a parking garage.

The Committee discussed and agreed the draft ordinance no longer provides for additional six (6) feet of height for architectural features such as pitched roofs, gable roofs, elevator overruns, or other similar features as follow:

- Section 3(b)(5) Replace section with verbiage "There should be no allowance for additional height of buildings as provided in Section 4.31.3(b)."

Councilmember Jungman said something needs to take the High Density Discussion Final Report and carry it forward. He said he believed everyone at the table agrees the High Density Dialogues were legitimate; however, the Committee just disagrees on how to make high density happen. He said the High Density Discussion Final Report needed to be carried forward so that the High Density District Design Review Committee and Councils coming forward will be able to reference the report. Councilmember Jungman said citizens and Staff worked very hard and put a lot of time into the dialogues and it was a nicely drafted process which developed a consensus of a very diverse population. The Committee discussed and suggested the following change to the proposed ordinance:

- Section 4(a): Add verbiage "There is considerable information in the High Density Discussion Series Final Report dated June 11 – August 30, 2012, to inform applicants and the High Density Design Review Committee."

Mayor Rosenthal felt the verbiage "...it is desirable..." in Section 4(b)(1), Compatibility, was weak and suggested it be deleted and Councilmember Jungman agreed. Mayor Rosenthal felt it is the obligation of the applicant to show compatibility and Councilmember Williams asked who defines compatibility. The Committee discussed that high density site designs must be compatible within the context and character of the neighborhoods in which they will be constructed and agreed it is the obligation of the applicant to demonstrate compatibility sufficient to satisfy both the High Density Design Review Committee and Council. The Committee also discussed and agreed the proposed ordinance be amended to allow "breaks in wall planes" and "roof lines shall vary" to occur every 25 to 55 feet in HDR-2. The Committee recommended the following change to the proposed ordinance:

- Section 4(b)(1) Add verbiage "High density building and site design must be compatible within the context and character of the neighborhoods in which they will be constructed. It is the obligation of the applicant to demonstrate compatibility sufficient to satisfy both the High Density Design Review Committee and the City Council."
- Section 4(c)(1)(vii) HDR-2: Add verbiage "25" to read as follows – "every 25-50 feet"

Mayor Rosenthal asked Staff to define the size of a block and Staff said generally, blocks are 400 x 300; however, some city blocks are smaller and/or larger. She suggested adding verbiage to HDR-3 stating that high density projects "should not be adjacent to single family uses OR across the street from single family uses" and Councilmember Jungman agreed, stating the verbiage/requirement should also be stated in HDR-2. Councilmembers Castleberry and Williams disagreed and Councilmember Castleberry stated there is no assumption that a developer/builder would construct a five (5) story building in the middle of a neighborhood. He asked Staff if locational requirements are located anywhere else in the code and Ms. Connors said no. Councilmember Castleberry felt the required traffic study would determine where or where not buildings should go. Councilmember Jungman felt this issue is not about traffic; rather it is about where building should and should not be constructed.

Item 2, continued:

The Committee discussed location requirements for HDR-2 and HDR-3 projects and consensus was to add the following change to the proposed ordinance:

- Section 9 (a)(1) HDR-2: Add verbiage "...700 feet..." of an arterial street, to replace "within two blocks " as previously required and "It is discouraged to locate a HDR-2 zone adjacent to or across the street from single-family uses."
- Section 9(a)(1) HDR-3: Add verbiage "HDR-3 zones cannot be located adjacent to or across the street from single-family uses."

Councilmember Castleberry requested Staff research and provide a map which identifies areas where HDR-1, 2, and 3 are able to be built in the urbanized area of Norman given the locational criteria in the draft Ordinance.

Mayor Rosenthal felt additional research on fee-in-lieu of parking, including researching cities that have adopted these payments, were needed. Ms. Connors said Staff had called several cities; State College, Pennsylvania; Chapel Hill, North Carolina; Davis, California; and Palo Alto, California, had such requirements; however, the cities were not enforcing and/or using the requirements to date. She said Staff's intent was to know the fee (amount) before writing the requirement into the ordinance and said Staff will bring back information on this topic.

Mayor Rosenthal suggested adding verbiage to Section 13, Traffic, requiring Staff's recommendation of how to maintain the Level of Service (LOS) included with the Traffic Study. Councilmember Castleberry asked whether or not Staff already gave their recommendation and Mayor Rosenthal said no, they do not. Councilmember Jungman said the minimum goal is to maintain the LOS and Chairman Griffith agreed. Councilmember Jungman asked if the Ordinance should state LOS level "C" or above is to be maintained at five and/or ten years in the future and Mayor Rosenthal said fixing a specific LOS is tricky. She felt Staff's recommendation of how to maintain the current LOS would address this issue. Mr. Jeff Bryant, City Attorney, said Staff will follow up with the Traffic Division to determine current existing uses and provide information on level of service and trip generation before determining how extensive the traffic study and/or Staff recommendation should be. The Committee discussed and requested Staff add the following to the ordinance:

- Section 13 (b): "Staff shall make a recommendation to City Council, which will accompany the rezoning application, regarding how to maintain the current level of traffic service in the area surrounding the proposed development."

The terms of membership were discussed and the Committee agreed the language should be amended to conform with the language for removal of committee and commission members as stated in Chapter 4 of the Code of Ordinances of the City of Norman by adding the following:

- Section 14(c)(2)(iii): "Removal of Members." Members may be removed by a majority action of the City Council."

Mayor Rosenthal suggested adding verbiage to Section 14, High Density Design Review (HDDR) Committee, requiring the HDDR make a finding of the compatibility of the proposed high density project as it relates to the context and character of the neighborhood where it will be constructed. Councilmember Castleberry said it would be a "checks and balances" process and Councilmember Jungman agreed. The Committee requested Staff insert the following:

- Section 14(d)(1)(ii): "The High Density Design Review Committee shall make a finding as to the compatibility of the proposed project in relation to the context and character of the neighborhood in which it will be constructed. Such a finding shall take into consideration the High Density Discussion Series Final Report, June 11 – August 30, 2012."

Item 2, continued:

Staff suggested three minor changes in order to clean up the proposed ordinance. These changes are as follows:

- Section 2, Permitted Uses: modified to prohibit “drive-in” as well as drive-through service. This clarification is so that there will not be any doubt as to the intention of the prohibition;
- Section 3(a): the duplicative language for density listed for each level of HDR zoning has been removed; and
- Section 3(b)(5): add verbiage “ There shall be no allowance for additional height of buildings as provided in Section 431.3(b).” Staff felt this change/addition was needed because the current Zoning Ordinance Section 431.3(b) allows certain elements such as chimneys, elevators, flagpoles, spires, etc., not used for human habitation, to extend above the height limit and this is a general section which refers to all zoning districts. If the Committee desires for the proposed height limitations to apply to these elements as well, then application of this ordinance provision should be specifically prohibited in the HDR zoning districts.

Staff will continue to prepare information on the following items as requested by the Committee:

- Additional research on fee-in-lieu of parking and research cities that have adopted these payments.
- Provide information on level of service and trip generation.
- Provide a map which identifies areas where HDR-1, 2, and 3 are able to be built in the urbanized area of Norman given the locational criteria in the draft Ordinance.

Councilmember Castleberry asked the Committee for a commitment to review the high density issue and HDR Ordinance in two or three years. He felt the proposed HDR Ordinance is too restrictive and because it is there will most likely not be any HDR projects built. Chairman Griffith agreed, stating the proposed ordinance may be too limited; however, the Committee has listened to the Community and their desires regarding high density.

The next meeting regarding the HDR draft ordinance will be on May 30, 2013, and will be a public meeting held in the City Council Chambers in order to allow the public to hear information regarding the proposed ordinance as well as ask questions.

A Study Session is scheduled for June 6, 2013, which will be a joint meeting of the Planning Commission and City Council to allow the Planning Commission to have input prior to the public hearing process when the Ordinance comes before Council and the Planning Commission for consideration.

Items submitted for the record

1. Memorandum dated May 13, 2013, from Ms. Susan F. Connors, AICP, Director of Planning and Community Development, to Chairman and Members of the Community Planning and Transportation Committee, with Attachment A, Revised Draft Ordinance of High Density Residential to include HDR-1, HDR-2, and HDR-3; Attachment B, Article: “In Lieu of Required Parking” written by Donald C. Shoup
2. Memorandum dated May 10, 2013, from Ms. Susan F. Connors, AICP, Director of Planning and Community Development, to Community Planning and Transportation Committee
3. Sign In Sheets for the Community Planning and Transportation Committee meeting dated May 13, 2013

Item 3, being:

MISCELLANEOUS DISCUSSION.

None.

The meeting adjourned at 7:36 p.m.